



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
June 12, 2007

Present:

JK: Jeffery Kablik, Chairman
RS: Robert Sherburne
PB: Paul Barker
MM: Matt Marro, Conservation Director

HJ: Henry Jungmann, Vice-Chairman
LG: Lucy Gertz
ES: Ed Smith

Absent:

GC: Gary Consentine

7:00 Meeting opened by Jeffrey Kablik

7:15 Darrell & Deborah Bartlett – 26 Tower Road – Request for Determination of Applicability (Map33, Parcel 20, Lot 13) Proposed installation of an above ground pool.

HJ: Motion to waive the reading of the abutters list

ES: 2nd the motion

Unanimous 6-0

HJ: Motion waive the reading of the legal notice

ES: 2nd the motion

Unanimous 6-0

A site visit was done at this location and the proposed pool location is not within the 50' no structure zone. The board inquired about the type of filter being used and a DE, environmentally friendly filter, is going to be installed and any run-off will be directed away from the wetlands.

HJ: Motion to issue a Negative Determination for 26 Tower Road for the installation of an above ground pool.

ES: 2nd the motion

Unanimous 6-0

7:30 David Derochers – 13 Bowers Ave. – Notice of Intent (Map 32A, Parcel 51, Lot 0) Proposed removal and replacement of decks, roof, windows, awning, siding and door.

HJ: Motion to waive the reading of the abutters list

PB: 2nd the motion

Unanimous 6-0

HJ: Motion waive the reading of the legal notice

PB: 2nd the motion

Unanimous 6-0

ES stepped down for this hearing as he is an abutter of the applicant. A site visit was done at this location and to replace the existing deck, the work will be within the 30' no touch zone, which is already altered on this small

waterfront lot by the existing deck. Silt fencing will need to be installed and the Conservation Director will make additional sit visits to insure the protection of the lake.

HJ: Motion to close this hearing

PB: 2nd the motion

Unanimous 5-0

HJ: Motion to issue an Order of Condition for 13 Bowers Ave. for the removal and replacement of the deck, roof, windows, awning, siding and door with silt fencing installed.

PB: 2nd the motion

Unanimous 5-0

7:45 George Frost – 72 Progress Ave. – Notice of Intent (Map 13, Parcel 46/0) (Continued from 4/10 and 5/8) Construction of a 15,750 s.f. Manufacturing facility with adequate parking and truck docking. Neither the applicant nor his representative were available for this meeting.

HJ: Motion to continue the hearing for 72 Progress Ave. to June 26, 2007 at 7:05 PM

RS: 2nd the motion

Unanimous 6-0.

8:00 Robert Maciel – 265 Pawtucket Blvd. – Request for Extension to Order of Conditions (Map 34, Parcel 18/0) for 309-722 which is due to expire on June 23, 2007

HJ stepped down for this hearing as he is an acquaintance with the applicant. A site visit has been done and the applicant still needs to do some minor work which includes removal of the asphalt paving adjacent to the garage to increase the amount of pervious area to improve drainage and do some additional landscaping.

Approximately 11' of this pavement is part of the State Highway. **Mr. Maciel** is requesting more time to be able to work with the state to get permission to remove the material that is on state property. He has suggested installing a trench drain or catch basin with a leaching trench to increase infiltration on the property.

Abutter **William Harvey** would like to have the board deny this extension and enforce the original Order of Condition. He requests the removal of the impervious material that can taken up and leave the state's part until permission is received for removal

The Conservation Commission is requesting that they be copied on all correspondence and interaction Mr. Maciel or his representative has with the state regarding the removal of the paved area. The Director will be following-up on this action. Mr. Maciel should have alternative plan in place if, after 90 days, there is no resolution with the state.

ES: Motion to grant a 90 day extension to Order of Condition DEP#309-722 for **265 Pawtucket Blvd.** for the completion of the order at the Conservation Committee meeting on September 25, 2007 at 7:15 PM. A continuance will be held August 28th at 7:15 PM to up date the board on the progress of this project.

PB: 2nd the motion

Unanimous 5-0

8:15 Robert Maciel – 265 Pawtucket Blvd. – Request for Determination of Applicability: (Map 34, Parcel 18/0) Proposed seasonal dock on the Merrimack River.

HJ stepped down for this hearing as he is an acquaintance with the applicant. This dock would be anchored to the shore line with a ramp extending to the dock from the existing stairs and is subject to MESA approval. A site visit was done on this project and there will be no disturbance to the wetlands or vegetation.

ES: Motion to close this hearing

RS: 2nd the motion

Unanimous 5-0

ES: Motion for a Negative Determination for **265 Pawtucket Blvd.** for a seasonal dock on the Merrimack River.

PB: 2nd the motion

Unanimous 5-0

Director's Determinations and Report:

- ❖ Site visit to the addition to the **Dracut Water** well heads on **Frost Road**. A Notice of Intent will be required on this project.
- ❖ Site visit to **141 Middlesex Road** (M21, P29) – the electric company is replacing a pole with an auger in the buffer zone. This work is exempt from the river buffer restrictions because it is a utility with previous work done here. The Director will recheck this site when the work is completed.
 - HJ:** Motion to approve the Directors Determination for **141 Middlesex Road**.
 - PB:** 2nd the motion
 - Unanimous 6-0.**
- ❖ Site visit to **155 Frost Road** (M18, P68) for a shed being placed on cinder blocks. This outside the 50' buffer zone and no further action is required.
 - HJ:** Motion to approve the Directors Determination for **155 Frost Road**.
 - ES:** 2nd the motion
 - Unanimous 6-0.**
- ❖ Site visit to the **78 Clover Hill Road** (M61, P1, L28) – replacing an existing deck with a 3 season porch. Recommend no further action required.
 - HJ:** Motion to approve the Directors Determination for **78 Clover Hill Road**.
 - ES:** 2nd the motion
 - Unanimous 6-0.**
- ❖ Site visit to **16 Diaz** (M8, P3, L0) – building permit for an above ground pool which is 90' from the wetlands. This is half-in and half-out of the buffer zone. Recommend no further action be required.
 - HJ:** Motion to approve the Directors Determination for **16 Diaz Drive**.
 - ES:** 2nd the motion
 - Unanimous 6-0.**
- ❖ Site visit to **7 Glendale Ave.** (M31A, P69, L0) – building permit for an octagon deck with 4 sona-tubes. Recommend no further action be required.
 - HJ:** Motion to approve the Directors Determination for **7 Glendale Ave..**
 - RS:** 2nd the motion
 - Unanimous 6-0.**
- ❖ Draft of the new **Stormwater Management Plan** submitter to the committee for their review.

Other Business

❖ Minutes from 5/22/07 meeting

HJ: Motion to accept the minutes from 5/22/07 meeting

ES: 2nd the motion

Unanimous 4-0

❖ **Sign Forms:**

- Sign-off on department invoices

❖ Jaffrey Kablick is stepping down as the Chairman of the Conservation Commission but will remain on the committee.

LG: Motion to appoint Edward Smith as the Chairman of the Conservation Commission.

RS: 2nd the motion.

Unanimous 5-0

ES: Motion to reappoint Henry Jungmann as the Vice-Chairman of the Tyngsborough Conservation Commission.

PB: 2nd the motion

Unanimous 5-0

Meeting adjourned at 9:00 PM

RS: Motion to adjourn

LG: 2nd the motion

Unanimous 5-0

Respectfully submitted

Karen Steeves, Conservation Clerk